

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JHEN SCUTELLA,

Plaintiff,

v.

ERIE COUNTY PRISON, et al.,

Defendants.

Case No. 1:23-cv-116-SPB

ORDER OF DISMISSAL

On June 14, 2024, this Court entered an Order adopting the May 24, 2024 Report and Recommendation issued by Chief U.S. Magistrate Judge Richard A. Lanzillo and granting the motions to dismiss that were filed on behalf of the “ECP Defendants” and the “Medical Defendants.” See ECF No. 42. All claims were dismissed with prejudice except for Plaintiff’s constitutional claim based on allegedly deficient dental care. The Court dismissed the latter claim “without prejudice to Plaintiff’s right to amend such claim to correct the deficiencies noted in the R&R within twenty (20) days of the date of [the Court’s] Order.” ECF No. 42 at 3. The Order expressly advised that, “[i]n the event Plaintiff fails to file an appropriate amendment within such time, the Court’s dismissal of Plaintiff’s constitutional claim based on deficient dental care will be converted to a dismissal with prejudice, and this case will be dismissed without further notice.” *Id.*

Because the twentieth day for amendment fell on Independence Day, Plaintiff’s amended pleading was due on or before July 5, 2024. To date, no amended claim has been asserted. Accordingly,

IT IS ORDERED this 19th day of July, 2024, that Plaintiff’s constitutional claim based on allegedly deficient dental care shall be, and hereby is, DISMISSED with prejudice.

There being no additional claims pending before the Court in the above-captioned matter, the Clerk is directed to mark this civil action "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

SUSAN PARADISE BAXTER
United States District Judge